



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : David Jeffrey Chodosh Confirmation No. 2156
Application No. : 10/733,822
Filed : December 10, 2003
Title : BEVERAGE CONTAINER ATTACHMENT
Grp./Div. : 1761
Examiner : Sarah Louise Kuhns
Docket No. : 51483/GSL/C987

SECOND DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Post Office Box 7068
Pasadena, CA 91109-7068

Commissioner:

I, David Jeffrey Chodosh, declare and state as follows:

1. I believe that I am the original, first and sole inventor of the subject matter described and claimed in U.S. Patent Application Serial No. 10/733,822, filed on December 10, 2003 (the "Application"), which claims the benefit of U.S. Provisional Patent Application No. 60/480,580, filed on June 19, 2003.
2. As shown by the following facts, the invention claimed in the Application was already conceived by me in this country on March 12, 1998, and was diligently pursued in a patent application filed on June 19, 2003.
3. As can be evidenced by my original invention drawings dated March 12, 1998, true and accurate copies of which are attached hereto as Exhibit A, the invention described in the Application was conceived on March 12, 1998.
4. As shown in a confidential product submission form of February 13, 2000, relating to OddzOn Toy Co., with attached drawings, dated March 12, 1998, true and accurate copies of which are attached hereto as Exhibit B, the invention described in the Application was already conceived on March 12, 1998.
5. As shown in a further confidential product submission form of July 18, 2002, relating to Applause Toy Co., with attached drawings dated March 12, 1998, true and accurate

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copies are attached as Exhibit C, the invention described in the Application was already conceived on March 12, 1998.

6. I diligently worked with my patent attorney in describing and claiming the subject matter of the invention in an application which was diligently filed on June 19, 2003, and assigned Serial No. 60/480,580, which the Application claims the benefit of.

7. From August 1, 2002 through March 20, 2003, I developed a number of prototypes from existing components such as soda bottles, caps, plastic tubing and straws; photographs of those prototypes are attached hereto as Exhibit D.

8. On February 22, 2003, I engaged the services of a prototype builder, Industrial Models and Design, located in Culver City, California, to produce 30 vacuum formed cup lids for the purpose of a market test conducted by Matterhorn Ice Cream Co. of Caldwell, Idaho, in June of 2003, as evidenced by a receipt attached hereto as Exhibit E.

9. On October 12, ²⁰⁰² ~~2003~~, I purchased a supply of surplus stock bottle caps from US Plastic Corp. for building 30 working prototypes for product testing, as evidenced by a receipt attached hereto as Exhibit F.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued therefrom.

Date

May 17, 2007

By


David Jeffrey Chodosh

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